

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MAGDALENO GALLEGOS,

Petitioner,

vs.

STATE OF NEVADA, *et al.*,

Respondents.

3: 09-cv-0459-ECR-VPC

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. On December 2, 2010, this court entered an order granting in part and denying in part respondents' motion to dismiss. (Docket #27.) The court found grounds 1(b) through (11) to be unexhausted in state court. *Id.* The court gave petitioner various options as to how to proceed with his case, including advising the court of his desire to abandon the unexhausted claims by filing a sworn declaration of abandonment, signed by the petitioner, himself.

On December 15, 2010, petitioner filed a signed declaration stating that he wished to abandon his unexhausted claims. (Docket #28.)

IT IS THEREFORE ORDERED that grounds 1(b) through (11) are **DISMISSED**. This case shall proceed on ground 1(a) only.

1 **IT IS FURTHER ORDERED** that respondents are **GRANTED** thirty (30) days from the
2 date of service of this order within which to file an answer to the one remaining ground for relief.
3 Petitioner is **GRANTED** thirty (30) days thereafter to file a reply.

4
5 DATED this 16th day of December, 2010.

6 
7 UNITED STATES DISTRICT JUDGE